



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/05/2023
PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8993 of 2023

Franklin Hibu @ Hibu

... Petitioner/Sole Accused

Vs.

State rep., by
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
In Crime No.219 of 2023.

... Respondent/Complainant

For Petitioner : Mr.M.Sankar,

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.219 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 324 and 506(ii) IPC, in Crime No.219 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the defacto complainant was erecting concrete block covering electric pipe line, the petitioner along with his father came to the spot and thrown a big stone on the concrete block. When the same was questioned by the defacto complainant, the petitioner said to have brutally attacked him with Aruval and causing injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case.

4. The learned Government Advocate (Crl.side) appearing for the State would submit that there was a wordy quarrel, due to which, the petitioner attacked the defacto complainant.



5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District and Sessions Court for EC & NDPS Act Cases, Madurai, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties **(of which one shall be a blood related surety)** each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police on every Wednesday at 10.30 am., for a period of eight weeks month and thereafter, as and when required for interrogation;

(c) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

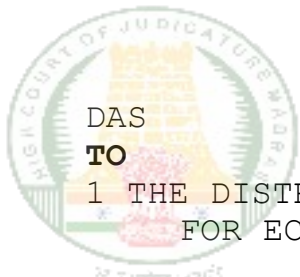
sd/-

18/05/2023

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24/05/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



DAS

TO

1 THE DISTRICT & SESSIONS JUDGE
FOR EC & NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8993 of 2023

Date :18/05/2023

SA/BUC/SAR. /24.05.2023/3P/4C